IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Mohan Singh. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 814/2004

...

Ugara Ram & ors. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 824/2004

...

Meh Ram. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No.823/2004

and

Mangi Lal. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 874/2004

...

Date of Order: December 08, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

None present for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

Despite repeated calls, no one appears for the petitioners.

Heard learned Public Prosecutor and Mr. Bheem Singh, Mining Engineer, who is present in the Court.

By these criminal miscellaneous petitions under Section 482 Cr.P.C., the petitioners seek quashing of FIRs No.250 dated 1-6-2004, 251 dated 1-6-2004, 253 dated 1-6-2004 and 254 dated 1-6-2004 of Police Station, Bilara, district Jodhpur, for the offence under Section 379 IPC read with Section 21-A of the Mines and Minerals Development & Regulation Act, 1957 (for short, "the Act" hereinafter).

I have carefully gone through the memos of the criminal miscellaneous petitions, as also the First Information Reports.

In the memos of miscellaneous petitions, it is contended by the petitioners that only the Mining Engineer is competent to file the complaint under rule 48 of the Rajasthan Minor Mineral Concession Rules, 1986 (for short, "the Rules" hereinafter).

Learned Public Prosecutor and the Mining Engineer Mr. Bheem Singh invited my attention to rule 48 (4) of the Rules, which empowers the District Collector, Sub-Divisional Officer or the Tehsildar to evict any person trespassing on any land where mining operations are carried out without a valid mining lease, quarry licence, short term permit or any other permission granted under these rules.

From a perusal of the First Information Reports, it appears that there were complaints of certain persons to the

Hon'ble Chief Minister of the State that in village Boranada area, there are certain persons who are illegally excavating the minerals and thereby causing loss to the State Government. The matter was investigated by the Additional Divisional Commissioner and other Revenue Officers including the Patwari of the area and thereafter it was revealed that the theft of minerals have been committed by the persons named in the first information reports. Thus, in my view, the first information reports disclose commission of cognizable offences and, therefore, there is no ground to quash the first information reports.

The criminal miscellaneous petitions are, therefore, dismissed. The stay petitions also stand dismissed.

(H.R. PANWAR), J.

mcs